

## Hawaii State Public Library System Limited English Proficiency Plan Updated July 1, 2016

### Introduction

Title VI of the Civil Rights Act of 1964 (42 U.S. C § 2000d) provides that no person shall “on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” It serves as the basis for Presidential Executive Order 13166, “Improving Access to Services for Persons with Limited English proficiency” which was created to “improve access to...federally assisted programs and activities for persons, who as a result of national origin, are limited in their English proficiency...” In 2006, the Hawaii State Legislature enacted a Language Access Bill to “affirmatively address, on account of national origin, the language access needs of limited English proficient persons.” (HRS 371-31)

The Hawaii State Public Library System (HSPLS) receives Federal Library Services and Technology Act (LSTA) grants from the Institute of Museum and Library Services (IMLS) to better serve the public through its network of 50 libraries on six islands throughout the state. Its target service population is the 1.4 million residents, who represent a rich diversity of languages and cultures.

According to the State of Hawaii Data Book 2015, about 329,072 persons reported speaking a language other than English at home. While some of these individuals may be bi- or multi-lingual, others may have a limited ability to read, write, speak or understand English. HSPLS is committed to provide its services to all Hawaii residents and offers this plan to give access to individuals with limited English proficiency (LEP). This plan closely follows the Department of Labor and Industrial Relations’ Limited English Proficiency Plan.

### Definition of Limited English Proficient Persons/Library patrons

For purposes of this LEP Plan, LEP library patron mean individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. Such persons may be eligible to receive language assistance with respect to accessing a particular HSPLS service.

### Relevant Factors

In determining how to provide effective and meaningful access to LEP library patrons, the U.S. Department of labor has established the following four guidelines (68 FR 32290, 32294 (May 29, 2003)):

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program; Hawaii State Public Library System Limited English Proficiency Plan 2
2. The frequency with which LEP persons come in contact with the program;
3. The nature and importance of the program, activity or service provided by the program to LEP persons; and
4. The resources available to the program and the costs of providing interpretation/translation services.

The touchstone of this four-factor analysis is reasonableness—reasonableness as measured by balancing (1) the size, needs, and the nature of assistance to the LEP population served, and (2) HSPLS’ capacity and available resources.

HSPLS first developed and began implementing the following LEP Plan, effective July 1, 2007. It was reviewed and revised effective July 1, 2009, and July 1, 2011. Decisions regarding oral interpretation and written translations of forms have been guided by the four-factor analysis cited above.

## Summary

The LEP Plan is comprised of seven (7) components:

- (1) Development of a reporting system designed to obtain key information about the LEP population who use HSPLS services;
- (2) Compilation of a comprehensive multi-lingual listing of HSPLS employees;
- (3) Notice of interpretation/translation services for qualified LEP library patrons;
- (4) Providing interpretation/translation services for qualified LEP library patrons;
- (5) Designation of an LEP Plan Coordinator;
- (6) Briefing HSPLS staff on the implementation of this plan; and
- (7) Providing stakeholders input into review and revision of the LEP Plan.

Each component is described below.

## LEP Plan

### I. **Development of a reporting system designed to obtain key information about the LEP population who use HSPLS services.**

The HSPLS Report of Library Activities form was modified to add a category for interpretations and translations provided by employees at the library. It captures the number of requests for interpretations, the language of the LEP customer and whether the request was met successfully. The staff can add a description of the Hawaii State Public Library System Limited English Proficiency Plan 3 service in the narrative. This report is filed monthly by each library and Hawaii State Library subject section with the Office of the State Librarian. (Appendix A)

Interpretations and translations requiring the paid services would be tallied and reported by the HSPLS LEP plan coordinator.

### II. **Compilation of comprehensive multi-lingual listing of HSPLS employees.**

HSPLS has conducted several surveys of its employees to ascertain what language skills and resources are available through its own personnel. Unfortunately, the past few years have seen such upheaval in staffing that lists of bi-lingual employees are outdated before they are printed. HSPLS, like other State agencies, has many vacancies. Attrition affects the stability of staffing levels as a considerable number of employees continue to leave State employ, primarily due to retirement. Surveys will be taken every year in July.

As soon as a new list is available, it will be easier for libraries to contact an appropriate staff member when an LEP customer needs language assistance. Although an HSPLS employee may not be fluent in a particular language, depending on the circumstances, that employee's language skills may facilitate a certain comfort level that may contribute significantly to meeting an LEP customer's needs.

HRS 371-33 (d) states "To the extent that the State requires additional personnel to provide language services based on the determination set forth in this section, the State shall hire qualified personnel who are bilingual to fill existing, budgeted vacant public contact positions."

When a need for bilingual skills have been identified for certain communities, HSPLS will endeavor to consider applicants competent in interpreting those languages into English and vice versa, if they are qualified to fill existing vacant positions.

### **III. Notice of interpretation/translation services to qualified LEP library patrons.**

To provide notice to the LEP population of HSPLS' services, the LEP plan coordinator will arrange to have two key documents translated into those languages appearing most often in the Report of Library Activities and in staff accounts of patron language needs. Those documents are the HSPLS Library Card Application/Renewal Form and the HSPLS Request for Problem Resolution Form. The LEP plan coordinator reviews LEP services reported monthly (section II above) and translation/interpretation services requested in order to identify other forms that are needed in multiple languages. Hawaii State Public Library System Limited English Proficiency Plan 4 poster informing LEP library patrons of interpretation services was prepared by DLIR and adapted for HSPLS. At least one 11" x 17" copy has been sent to every library and HSPLS office with instructions to post it in a prominent place.

### **IV. Providing interpretation/translation services for qualified LEP library patrons.**

In the course of serving our library patrons, situations may arise where LEP library patrons are unable to negotiate through HSPLS' services without the assistance of interpreters in their preferred language. To ensure that the inability to communicate in English does not deprive the public of rights, HSPLS will provide an interpreter for LEP library patrons pursuant to the following procedures.

First, the HSPLS employee should attempt to determine what language the person speaks. If the language cannot be readily determined, the employee should show the customer the 11" x 17" poster and encourage the person to point to the appropriate language. Once the language is known, the possibilities become:

#### *1. In-Person Interpreter*

As a general rule, a competent, in-person interpreter is preferred over a telephone interpreter. If the library has an employee on site and working on that particular shift, ask that person to assist the customer.

#### *2. HSPLS Telephone Interpreter*

If an appropriate interpreter is not at the site, refer to the multi-lingual listing of HSPLS employees. Call the relevant library to see if the employee is available.

#### *3. Language Line Telephone Interpreters*

If an appropriate HSPLS employee cannot be located to provide telephone interpretation services, contact the LEP Plan Coordinator at HSL: 808-586-3500 or send her an email ([marya.zoller@librarieshawaii.org](mailto:marya.zoller@librarieshawaii.org)) describing the language needed.

#### *4. Other Requests for Interpreters*

Other requests for interpreters may be emailed to the HSPLS LEP Plan Coordinator ([marya.zoller@librarieshawaii.org](mailto:marya.zoller@librarieshawaii.org)). The Coordinator will try to send an acknowledgment of receipt of the request within one (1) working day, depending on her schedule. The LEP Plan Coordinator and the appropriate HSPLS Core Administrators shall decide whether or not the request shall be granted using the four-factor analysis discussed in the "Relevant Factors" section above.

HSPLS is making efforts to be proactive on behalf of Hawaii's LEP population. In order to provide access to our catalogs, HSPLS is in the process of developing a virtual portal for foreign language users where they will be able to log on to a Hawaii State Public Library System Limited English Proficiency Plan 5 workstation and experience the interaction with the desktop and applications, entirely in their own language. (Approximately 20 languages will be available.) This will constitute a virtual desktop and eliminate the need for staff to make changes to public machines on a case by case basis.

#### **V. Designation of LEP Plan Coordinator**

Marya Zoller, Acting Hawaii State Library Director, shall serve as the public library system's LEP Plan Coordinator. Her responsibilities in this capacity shall include: (1) the overall implementation of the LEP Plan; (2) responding to any inquiries or comments/complaints regarding the LEP Plan and its implementation; (3) making any revisions and modifications to the LEP Plan, as necessary; (4) orienting HSPLS employees to the objectives of the LEP Plan; (5) serving as the primary contact for LEP library patrons who need interpreting services beyond what on-site staff has been able to arrange; and (6) coordinating efforts to implement the LEP Plan, monitor the LEP Plan, evaluate and improve the LEP Plan.

#### **VI. Training HSPLS staff on the implementation of the Plan**

The LEP Plan Coordinator is responsible for providing information on this plan and its procedures to HSPLS employees. Such information also includes cautions relating to privacy and confidentiality regarding in-person interpretation. Staff at any of the libraries can reach the Coordinator by telephone or internal email. If unable to answer an LEP question, the Coordinator will pursue the matter with the State's Office of Language Access. Due to the many staff changes, the Coordinator will be re-sending LEP information to all branches once the new survey of bi-lingual speakers is completed.

#### **VII. Stakeholders input into review and revision of the Plan**

Stakeholders include LEP library patrons and HSPLS employees. LEP services reported on the HSPLS Monthly Activities Report, requests for services both met and unmet, complaints and suggestions for improving the current LEP Plan have been under review since FY16 ended. Data from the monthly reports helps identify communities where LEP library patrons reside and their primary languages. The Hawaii State Library's Federal Documents Section is preparing information on the geographic distribution of Hawaii's LEP population.